

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2308-VU-09 FILING DATE: 7/14/23

FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Daine Crabtree (STAFF NAME) DATE: July 11th

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____
PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): X

APPLICANT INFORMATION

APPLICANT'S NAME: Dustin / Lana Nichols
ADDRESS: 1824 S R Street

TELEPHONE: 765-635-3585 / 765-635-1973
EMAIL: Lannichols288@gmail.com

PROPERTY OWNER'S NAME: Evan Steger
ADDRESS: 17502 Shady Nook

TELEPHONE: 317-918-0938
EMAIL: Sales@SOSroofingandconstruction.com

REPRESENTATIVE'S NAME: _____
COMPANY: _____
ADDRESS: _____

TELEPHONE: _____
EMAIL: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17502 Shady Nook Rd.
COUNTY PARCEL ID #(S): 09-06-32-00-00-021.000
EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): Office / Business

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):

Small private Salon by Appointment only
Color and Hair Extensions only very Private Setting.

Hours: Tues 1-7
Wed 1-7 Sat 8-3 Closed Mon
Thurs 1-7 fri Sun

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Dustin / Lana Nichols

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____

The property will not be affected only a
small yard sign that states Private Appointments only

C. The need for the variance arises from some condition particular to the property involved because: _____

I believe they were worried about a retail business
with lots of traffic to the neighborhood behind.
That will not be the case with this business

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: _____

E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____

GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|--|
| <input checked="" type="checkbox"/> Completed Application | <input type="checkbox"/> Legal Description |
| <input type="checkbox"/> Draft Public Notice | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary) |
| <input type="checkbox"/> Site Plan (to scale) | <input type="checkbox"/> Copy of Property Deed |
| <input type="checkbox"/> Statement of Intent | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Lana Nichols
Applicant/Representative (signature)

Lana Nichols
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 1st day of August, 2023
State of Indiana, County of Madison, SS: _____

Christina M. Clark
Notary Public (signature)

Christina M. Clark
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Property Owner (signature)*

Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this _____ day of _____, 20____
State of _____, County of _____, SS: _____

Notary Public (signature)

Notary Public (printed)

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.



Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Applicant/Representative (signature)

Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this ____ day of _____, 20__

State of _____, County of _____, SS: _____

Notary Public (signature)

Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the execution of the foregoing Application.

Evan Steger
Property Owner (signature)*

Evan Steger
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 31st day of July, 2023

State of IN, County of Hamilton, SS: _____

Adam P Ruberry
Notary Public (signature)

Adam P Ruberry
Notary Public (printed)

Adam P Ruberry
Notary Public - Seal
State of Indiana
Hamilton County

My Commission Expires 11/24/2028
Commission No. NP0730154

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

DULY ENTERED FOR TAXATION
 Subject to final acceptance of transfer
 15th day of March 2022 - CPH
Robin M. Miller Auditor of Hamilton County
 Parcel # 09-06-32-00-00-000-000

2022013539 WD \$25.00
 03/15/2022 04:06:08PM 2 PGS
 Jennifer Hayden
 Hamilton County Recorder IN
 Recorded as Presented



TGR

Parcel No. 29-06-32-000-021.000-015

FSH-136438

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Jeffrey A. Harpe, an individual, Grantor, of Hamilton County, in the State of Indiana, CONVEYS AND WARRANTS to SOS Roofing and Construction, LLC, an Indiana limited liability company, Grantee, of Hamilton County, in the State of Indiana, for the sum of One Dollar (\$1.00) and Other Valuable Consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana, to-wit:

Lot Number One (1) in Emlee Subdivision, an addition in the Southeast Quarter of Section 32, Township 19 North, Range 4 East, the plat of which was recorded May 26, 1959 in Plat Book 2, page 144, in the Office of the Recorder of Hamilton County, Indiana.

Subject to any and all easements, agreements and restrictions of record.

Subject to real estate tax for the year 2021, due and payable in 2022, and all taxes thereafter, all of which the Grantee herein assumes and agrees to pay.

The address of such real estate is commonly known as: 17502 Shady Nook Road, Noblesville, IN 46062.

Tax bills should be sent to Grantee at the address shown below.

IN WITNESS WHEREOF, Grantor have/has executed this deed this 14 day of March, 2022.

{02074569-1}